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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 ADHERENCE d/b/a of MORISKY
12 MEDICATION ADHERENCE RESEARCH
13 LLC, a Nevada limited liability company,

14 Plaintiff,

15 v.

16 CVS HEALTH CORPORATION, a
17 Delaware corporation; and ASEMBIA, LLC,
18 a Delaware limited liability company.

19 Defendants.

Case No.: 2:24-cv-01590-JCM-NJK

**JOINT ~~PROPOSED~~ DISCOVERY
PLAN AND SCHEDULING ORDER**

20 Pursuant to Fed. R. Civ. P. 16(b), and 26(f) and Local Rule II 26-1(b), Plaintiff
21 Adherence d/b/a of Morisky Medication Adherence Research LLC. (“Adherence” or
22 “Plaintiff”) and Defendants CVS Health Corporation (“CVS”) and Asembia LLC (“Asembia,”
23 and together with CVS, “Defendants”) (Plaintiff and Defendants collectively, the “Parties”)
24 hereby submit their Proposed Discovery Plan and Scheduling Order.

25 1. **Meeting.** On December 12, 2024, counsel for the Parties engaged in a telephonic
26 Rule 26(f) scheduling conference. F. Christopher Austin was present as counsel for Plaintiff
27 and Jennifer Insley-Pruitt was present as counsel for the Defendants.

28 2. **Initial Disclosures.** The parties will make their pre-discovery disclosures,
including but not limited to any Computation(s) of Damages required pursuant to FRCP

26(a)(1)(A)(iii), on or before January 24, 2025.

3. **Areas of Discovery.** The parties agree that the areas of discovery may include all non-dismissed claims and defenses and damages.

4. **Electronically Stored Information.** The Parties have discussed the need to preserve existing discovery documents and electronically stored information and discussed the retention and production of electronic data. The Parties are working to reach agreement on an ESI protocol to govern production of electronically stored information.

5. **Claims of Privilege or Protection as Trial-Preparation Material.** The Parties agree that there may be a need for discovery in this case to be governed by a protective order. If the Parties agree concerning the need for and scope and form of such a protective order, their counsel will confer and then submit a jointly proposed protective order to the Court at such time. If the Parties disagree concerning the need for, and/or scope or form of a protective order, the relevant party or parties seeking such an order shall file an appropriate motion and supporting memorandum. Additionally, the Parties are not seeking documents or information protected by privilege or otherwise exempted from discovery under the Federal Rules of Civil Procedure or other laws. The parties agree that following service of any interrogatory response or document production from which some or all information or documents are withheld on the basis of privilege, the Parties will confer on the scope of the interrogatories and/or requests for production, the need to limit the scope of same, and any need for privilege logs.

6. **Changes to Presumptive Limits on Discovery.** The parties do not propose any changes to the presumptive limits in the discovery rules and will cooperate with each other should deviations become necessary.

7. **Other Orders under Rule 26(c) or Rule 16(b) and (c).** The parties may enter into a stipulated protective order prior to the disclosure of confidential or proprietary documents.

8. **Discovery Plan.** The parties propose the following discovery plan:

A. **Discovery Cut-Off Date.** The Defendants filed a partial motion to dismiss the First Amended Complaint on November 13, 2024 (ECF 12). The

Discovery Cut-Off date is therefore May 12, 2025, 180 days from November 13, 2024.

- B. Amending the Pleadings and Adding Parties. The deadline for amending the pleadings and adding parties is February 11, 2025, 90 days prior to the Discovery Cut-Off Date.
- C. Disclosure of Experts under Fed. R. Civ. P. 26(a)(2). The Parties propose a deadline for expert disclosures under Fed. R. Civ. P. 26(a)(2)(D) of March 13, 2025, which is 60 days prior to the Discovery Cut-Off Date, and a deadline for disclosure of rebuttal experts of April 14, 2025, 30 days¹ before the Discovery Cut-Off Date.
- D. Dispositive Motions. The Parties propose a deadline for the filing of dispositive motions of June 11, 2025, 30 days after the Discovery Cut-Off Date.
- E. **Pretrial Order.** The Parties propose a deadline for filing the joint pretrial order of 30 days after any decision on dispositive motions. If no dispositive motions are filed, the Parties propose that the deadline be July 11, 2025 (30 days after the dispositive motion deadline).
- F. **Fed. R. Civ. P. 26(a)(3) Disclosures.** The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them will be included in the joint pretrial order.
- G. **Court Conferences:** If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.

9. **Alternative Dispute Resolution.** The Parties confirm that they have conferred about the possibility of using alternative dispute-resolution processes including mediation,

¹ As the 30th day falls on a Saturday, the deadline was advanced to the following Monday.

1 arbitration, and if applicable, early neutral evaluation. The parties have not reached any
2 stipulations at this time.

3 10. **Alternative Forms of Case Disposition.** The Parties confirm that they
4 considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P.
5 73 and the use of the Short Trial Program. The parties have not reached any stipulations at this
6 time.

7 11. **Electronic Evidence.** As a jury trial has been demanded, the Parties confirm
8 that they discussed whether they intend to present evidence in electronic format to jurors for the
9 purposes of jury deliberations. The parties have not reached any stipulations at this time. The
10 parties will consult the court's website or contact the assigned judge's courtroom administrator
11 for instructions about how to prepare evidence in an electronic format and other requirements
12 for the court's electronic jury evidence display system.

13 12. **Discovery Motions.** ~~The Parties stipulate that before moving for any order~~
14 ~~related to discovery, the movant will request a conference with the assigned magistrate judge.~~

15 Submitted by:

16 **WEIDE & MILLER, LTD.**

16 **EVANS FEARS SCHUTTERT MCNULTY MICKUS**

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20 *Attorney for Plaintiff*

20 *Attorney for Defendants*

23 **IT IS SO ORDERED**

24 
25 UNITED STATES MAGISTRATE JUDGE

26 Dated: January 14, 2025